

capable of producing hair, that in order to prevent the hair from falling out or becoming harsh and brittle, it is very necessary to keep the scalp free from dandruff scales and in a soft and pliant condition, that the said article would be found helpful for this purpose; that it would supply the requisite moisture to the scalp and hair and would enable one to avoid premature grayness or loss of hair by giving the scalp care and attention, that it would promote a condition favorable to hair growth and that if the hair or scalp was in a bad condition the said article was just what was needed, which representations were false and misleading.

On May 13, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

217. Misbranding of Axine Plates. U. S. v. 19 Sets of a device called Axine. Default decree of condemnation and destruction. (F. D. C. No. 825. Sample No. 72023-D.)

The labeling of this product bore false and misleading representations as indicated hereinafter.

On or about November 9, 1939, the United States attorney for the Western District of Missouri filed a libel against 19 sets of Axine Plates at Higginsville, Mo., alleging that the article had been shipped in interstate commerce on or about September 30, 1939, by W. Gordon Pervis from Tennille, Ga.; and charging that it was misbranded.

Examination showed that the device consisted of two metal plates made of copper and zinc, respectively, which were to be worn in the shoes of the user, a plate in each shoe.

The article was alleged to be misbranded in that its labeling bore representations that it would produce health and vigor by means of electricity in the human body; would relieve the stiffness of old age and make one feel young again; would rid the blood of uric acid; would be efficacious in the mitigation, treatment, and prevention of high blood pressure, low blood pressure, headache, asthma, paralysis, kidney trouble, rheumatism, diabetes, eczema, cold hands and feet, and poor circulation; and would be efficacious "to draw the acid from the larynx gland and thus stop excessive coughing of asthma," which were false and misleading since the said article would not be efficacious for the said purposes.

It was alleged to be misbranded further in that its labeling represented that uric acid forms in the stomach, that it forms as the result of eating food that disagrees with the stomach, that the acid then filters through the blood and travels through the blood as a very fine crystal; that the device consisted of a composition of metals "which would act upon the human electricity and would make the human electricity fast"; that the device would heat the blood about 2 degrees and thus dissolve uric acid in the blood; that uric acid would pass through the blood into the said device; that the cause of high blood pressure is the uric acid crystals stopping in the arteries, hardening of the arteries, and enlarging the heart; that the device would stimulate one's own electric current; that the electric current would pass through the brain and dissolve and draw away clot on the brain; that uric acid stiffens the prostate gland; that because of uric acid the prostate glands stand open and will not "pan down"; that failure of the prostate glands to "pan down" causes diabetes; that the device would produce heat by the metals' acting as a battery on the human electricity and that the heat thus produced would cause the prostate gland to "pan down" and relieve the patient entirely, which representations were false and misleading.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

218. Misbranding of foot exerciser. U. S. v. 70 Retail Packages of H & H Foot Exercisers. Default decree of condemnation and destruction. (F. D. C. No. 2157. Sample No. 16801-E.)

This article consisted of a wooden roller. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about June 7, 1940, the United States attorney for the Western District of Missouri filed a libel against 70 retail packages of H & H Foot Exercisers at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 29, 1940, by the Hussmann-Holmes Co. from El Paso, Tex.; and charging that it was misbranded.

The article was alleged to be misbranded in that the labeling bore representations that it was efficacious in the treatment of weak arches, flat feet, metatarsal